

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALIC SCOTT,
JOHN GILLEY, and
CRAIG ZOLTOWSKI

Appeal No. 2005-1062
Application 09/874,856

ORDER DISMISSING APPEAL



Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
WILLIAM F. SMITH, Administrative Patent Judge.

Per curiam.

On September 6, 2005, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

Appeal No. 2005-1062
Application 09/874,856

The application is being returned to the examiner for further action as may be appropriate.


Michael R. Fleming, Chief
Administrative Patent Judge


Gary V. Harkom, Vice Chief
Administrative Patent Judge


William F. Smith
Administrative Patent Judge

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BOARD OF PATENT
APPEALS AND
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